

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

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|---------------|---|--------------------------------------|
| TESLA, INC., |) | 3:18-CV-0296-LRH-CBC |
| |) | |
| Plaintiff(s), |) | <u>MINUTES OF PROCEEDINGS</u> |
| |) | |
| vs. |) | DATED: December 3, 2018 |
| |) | |
| MARTIN TRIPP, |) | |
| |) | |
| Defendant(s). |) | |
| _____ |) | |

PRESENT: THE HONORABLE CARLA BALDWIN CARRY, U.S. MAGISTRATE JUDGE

Deputy Clerk: Lisa Mann Court Reporter: FTR

Counsel for Plaintiff(s): Allison Libeu and John Hueston

Counsel for Defendant(s): William Fischbach

PROCEEDINGS: TELEPHONIC CASE MANAGEMENT CONFERENCE

9:01 a.m. Court convenes.

The Court addresses the parties regarding the purpose of this hearing and advises counsel of the papers the Court reviewed in preparation for this case management conference.

The Court and counsel discuss the parties' case management reports (ECF Nos. 52 and 53) and the parties' stipulation and modification to scheduling order (ECF No. 51).

Having heard from counsel and good cause appearing, the Court finds as follows:

1. Number of depositions

With respect to the number of depositions to be taken, counsel agree that the defendant shall take the ten (10) depositions in accordance with Rule 30. Thereafter, if it is determined that additional depositions are necessary and the parties are unable to reach a resolution regarding the number of depositions to be taken, the Court will revisit this issue.

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2. Location of the deposition of Martin Tripp

The Court notes that the deposition is required to take place in the forum where the case is proceeding. The Court further notes that it is not inclined to grant a request for a video deposition. Therefore, the Court directs counsel to meet and confer regarding the location of the Tripp deposition. Mr. Fischbach advises that he believes that Arizona would be a good place to conduct the deposition. The Court directs counsel to meet and confer concerning splitting the cost associated with the deposition of Mr. Tripp. The Court directs that the deposition of Mr. Tripp be taken after the next case management conference.

3. Deposition of Andrea Szikszai

The Court notes that Andrea Szikszai appears to be someone that has information in this case. Therefore, the Court suggests that to the extent that Ms. Szikszai is a witness, Tesla propose interrogatories or a written deposition and then the parties can revisit this issue with the Court, if needed.

4. Mental examination of Martin Tripp

The Court directs that Mr. Fischbach respond to the discovery requests made by Tesla as it concerns the defendant's medical records. Thereafter, counsel shall meet and confer to determine whether the mental examination of Mr. Tripp is necessary. If at that point the parties are unable to agree, the Court will then revisit this issue. The Court notes that if a mental examination is necessary, the Court expects that such examination be scheduled at a time when Mr. Tripp will be in the United States. In addition, the Court directs counsel to meet and confer regarding how the claim of intentional infliction of emotional distress will proceed.

5. Deposition of Elon Musk

The Court advises that it would not allow an extensive deposition of Mr. Musk or that the deposition be taken in an inconvenient location. Ms. Libeu advises that this issue is premature as the deposition of Mr. Musk has yet to be noticed. The Court directs counsel to conduct some initial discovery prior to noticing the deposition of Mr. Musk. If after that initial discovery is concluded and the defendant believes that the deposition is still warranted, counsel shall meet and confer and notice the deposition. If issues remain, the Court may require additional briefing and/or may set the matter for hearing.

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6. Stipulation and proposed modification to scheduling order (ECF No. 51)

The Court approves and signs the parties' stipulation and proposed modification to scheduling order (ECF No. 51).

7. Further case management conference

A further telephonic case management conference is set for **Wednesday, February 6, 2019 at 9:00 a.m.** Counsel shall dial **877-336-1829** at least five (5) minutes prior to the hearing to be properly connected into the courtroom. The **access code** is **2809752** and the **security code** is **18296**. Counsel shall report on the status of discovery, the status of depositions, the status of an independent medical examination of Mr. Tripp, and any other discovery related issues for the Court's consideration at this case management conference.

IT IS SO ORDERED.

9:43 a.m. Court adjourns.

THEREAFTER, the Court finds the parties shall file a joint case management report by no later than **Wednesday, January 30, 2019**, that specifically addresses the status of discovery, the status of depositions, the status of an independent medical examination of Mr. Tripp, and any other discovery related issues. The Court further directs counsel to meet and confer regarding whether the parties are interested in scheduling this matter for a settlement conference, and shall include the outcome of such meet and confer in the joint case management report due on January 30, 2019.

DEBRA K. KEMPI, CLERK

By: /s/
Lisa Mann, Deputy Clerk